IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 20923 of 2007(N)

AGAINST THE ORDER DATED 06/06/2007 IN EA 449/06 IN EP 312/06 IN OS.544/1996 of MUNSIFF COURT, PARAVUR

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PETITIONER:

DAKSHAYINI, AGED 56 YEARS,
D/O KUNJAYYAPPAN, METHELA VILLAGE,
ANAPUZHA DESOM, KODUNGALLUR TALUK.

BY ADV. SRI.V.M.KRISHNAKUMAR

RESPONDENT:

AYYAPPANKUTTY,
S/O KURUPPASSERY KOCHAYYAPPAN,
POYYA VILLAGE, POYYA KARA,
KODUNGALLUR TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.20923 OF 2007

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Dated this the 6th day of July, 2007

JUDGMENT

This writ petition is filed seeking to quash Ext.P5 order whereby the court has directed attachment of the retirement benefits due to the first respondent in the execution petition. She was an employee and had retired and she had filed Ext.P4 objection wherein it is stated that retirement benefits are not liable for attachment under Section 60(1) of the Code of Civil Procedure. According to the learned Munsiff, no counter is filed by the judgment debtor. If Ext.P4 is really filed, the learned Munsiff is bound to take note of the same and dispose of the matter after hearing both sides. Therefore the order under challenge is set aside and the matter is remitted back to the Munsiff's Court, N.Paravur for consideration of the objections filed by the writ petitioner. The court may also issue notice to the decree holder before the disposal of the matter.

With the above direction, writ petition is disposed of.

M.**N.KRISHNAN, JUDGE**

Cdp/-